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WA-2556-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 20th OF NOVEMBER, 2025

WRIT APPEAL No. 2556 of 2025

PREETI DAMLE (DHANUK)

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ashok Kumar Gupta - Advocate for the appellant.

Dr.S.S. Chouhan - Government Advocate for the respondents/State.
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ORDER

Per. Hon'ble Shri Justice Vinay Saraf

1. Instant *intra court* appeal is preferred by the appellant challenging the order dated 30.06.2025 passed by the learned Single Judge in Writ Petition No.12357/2021; whereby the petition preferred by the petitioner for setting aside termination order dated 11/24.05.2021, was dismissed.

2. Heard Shri Ashok Kumar Gupta, learned counsel for the appellant, on the question of admission.

3. Short facts of the case are that the appellant was appointed in the month of March, 2014 for a period of 3 years on the post of Samvida Shala Shikshak Grade-III as per the statutory Rule 6(8) and (9) of M.P. Panchayat Samvida Shala Shikshak (Employment and Conditions of Contract) Rules,



2005 (hereinafter referred to as "Rules, 2005") and she was granted maternity leave from 01.07.2015 to 31.12.2015. Thereafter she remained absent without any intimation w.e.f.01.01.2016 to 08.01.2020. On 08.01.2020 the appellant submitted an application seeking permission for joining the duties, which was forwarded by Block Education Officer, Pandhana, District Khandwa to District Education Officer, Khandwa, who communicated by letter dated 27/28.07.2020, that the period of contract of appellant has already been expired and she remained absent for almost 4 years without any intimation, therefore, she cannot be permitted to join. A show cause notice was issued and after affording opportunity of hearing, the contractual services of the appellant were terminated by impugned order dated 11/24.05.2021. Said order was challenged by the appellant in Writ Petition No.12357/2021, which was dismissed by the impugned order.

4. Learned counsel for the appellant submits that the appellant was on maternity leave from 01.07.2015 to 31.12.2015. She gave birth to a child on 22.09.2015. Thereafter due to illness she could not join the services on 01.01.2016 and after fitness she appeared on 08.01.2020 and sought permission to join the services but the permission was refused and the termination was done illegally. Counsel further submits that the learned Single Judge has not considered the case of appellant sympathetically and the appellant ought to have been permitted to join the duties by following the principles of "no work no pay".

5. We have considered the arguments advanced by the learned counsel for appellant and after due consideration we are of the view that the learned



Single Judge has not committed any error in dismissing the petition as the petitioner failed to explain her unauthorized absence of more than 4 years. If an employee remains unauthorizedly absent then after giving a show cause notice, his/her contract can be terminated. Even otherwise, as per Clause 6(12) of the Rules, 2005, the contractual appointment is made for a period of 3 years, which could be renewed for further 3 years. The appellant was originally appointed in the month of March, 2014 and the period of contract was expired in the month of March, 2017. Thereafter the contract was not in existence in the absence of any renewal and therefore, the appellant was not entitled for any relief.

6. Consequently, no case for interference is made out. The order passed by the learned Single Judge is just and proper.

7. The appeal fails. Admission declined. Appeal is dismissed. No order as to costs.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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